

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO.: CR05-231-JCC
)	
Plaintiff,)	
)	
v.)	DETENTION ORDER
)	
HUGH GALE HENSCHER,)	
)	
Defendant.)	

Offense charged:

Conspiracy to Tamper with a Witness, Tampering with a Witness

Date of Detention Hearing: June 15, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is named in a twenty count indictment that has been brought against certain individuals, some of whom are alleged to be leaders and/or members of the Bandidos Outlaw Motorcycle Organization. The charges against him arise out of allegations that he conspired with other leaders of the organization to intimidate a witness to an alleged assault by

01 another member of the organization.

02 (2) The Indictment alleges that the Bandidos Outlaw Motorcycle Organization is a
03 criminal organization whose members and associates engaged in acts of violence, including
04 kidnaping, assault, threats of violence, and extortion in the United States and throughout the
05 world. The Bandidos is alleged to constitute a criminal enterprise as defined in Title 18, USC,
06 Section 1959(b)(2), that is, an enterprise constituting an ongoing organization whose members
07 function as a continuing unit for common purpose of achieving racketeering activity. Mr. Henschel
08 is said to be a National Sergeant-at-Arms for the organization. The case agent alleges that as
09 such, the defendant has the authority to order retaliation against members.

10 (3) The defendant is associated with three alias names and two variations of his Social
11 Security Number. He has prior felony convictions and would be prohibited from possessing
12 firearms, but six firearms were found at his residence, together with small quantities of
13 methamphetamine and marijuana.

14 (4) The defendant has a number of serious medical conditions which have caused him
15 to be wheelchair bound for some length of time. Despite this, he is alleged to have committed a
16 number of overt acts in furtherance of the conspiracy to tamper with a witness, the most recent
17 of which was less than six weeks before the filing of the Indictment.

18 (5) The defendant does not pose a risk of nonappearance, although there is some
19 concern in this regard due to the presence of controlled substances in his residence and the
20 suggestion of substance use. He poses a risk of danger due to the nature of the charges, his
21 criminal history, and the particular position of leadership which he holds in the Bandidos
22 organization viewed in light of the role in the conspiracy which is attributed to him by the
23 Indictment.

24 (6) There does not appear to be any condition or combination of conditions that will
25 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
26 to other persons or the community.

01 It is therefore ORDERED:

- 02 (1) Defendant shall be detained pending trial and committed to the custody of the
03 Attorney General for confinement in a correction facility separate, to the extent
04 practicable, from persons awaiting or serving sentences or being held in custody
05 pending appeal;
- 06 (2) Defendant shall be afforded reasonable opportunity for private consultation with
07 counsel;
- 08 (3) On order of a court of the United States or on request of an attorney for the
09 Government, the person in charge of the corrections facility in which defendant is
10 confined shall deliver the defendant to a United States Marshal for the purpose of
11 an appearance in connection with a court proceeding; and
- 12 (4) The clerk shall direct copies of this Order to counsel for the United States, to
13 counsel for the defendant, to the United States Marshal, and to the United States
14 Pretrial Services Officer.

15 DATED this 15th day of June, 2005.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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